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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/076,291      | 02/15/2002  | William Kenneth Bowman |                     | 9952             |

7590

09/30/2002

John Dodds  
1707 N St., NW  
Washington, DC 20036

EXAMINER

THOMPSON, HUGH B

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/076,291

Applicant(s)  
Bowman, William

Examiner  
Hugh B. Thompson

Art Unit  
3634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 15, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb 15, 2002 is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1.5 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "*means*" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," "*This invention*", etc.

2. The disclosure is objected to because of the following informalities: there are no reference numerals for the elements of the drawings. Appropriate correction is required.
3. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

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### Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).
- (e) Background of the Invention.
  - 1. Field of the Invention.
  - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).

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- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

### *Drawings*

4. The drawings are objected to because there are no labeled figures, i.e., Fig. 1, Fig. 2, etc..., and there are no reference numerals to indicate elements of the invention. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the threaded screw mechanism of claim 2, the slide tube mechanism of claim 3, the spring loaded mechanism of claim 4, and the hydraulic mechanism of claim 5, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. With respect to claim 1, only the first letter of the claim is to be capitalized. In line 5, there is no antecedent basis for "the extended leg", in line 6, for "the floor pad" and "the telescopic extension device", in line 7, for "the upper edges", and in line 8, for "the rungs".  
Correction is required.

9. With respect to claims 2-15, line 1, "A" should read --The--.

10. With respect to claims 2-5, it is unclear as to how the mechanisms work.

11. With respect to claim 10, the phrase "includes hanging tools" is unclear. Claims 11-13 recite similar ambiguities.

12. Claims 14 and 15 recite the limitation "telescopic mechanism" in lines 1-2. There is insufficient antecedent basis for this limitation in the claims.

13. With respect to the claims, they should be carefully review in response to this Office Action.

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***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1, 3, 4, 6-8, and 10-14, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dempsey #3,861,500 in view of Hooten #5,031,723. Dempsey discloses an aluminum ladder 11 comprised of hollow rungs 12, 13, attached to tubular side rails, tubular telescopic extension legs 15, 16, which slidable within the rails and are adjusted by metal spring pin assemblies 17, 18, 36, and foot grip pads 31, 32, which are commonly known to be made of rubber. Dempsey fails to disclose components mad of fiberglass and a rung attached holding means.

16. Hooten teaches the utility of a rung attached holding assembly 50, 62, used to secure items such as paint cans and trays thereto. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the ladder of Dempsey with a holding assembly as taught by Hooten, so as to secure items such as paint can and trays, when used by a user of the ladder.

17. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dempsey in view of Hooten as applied to claims 1, 3, 4, 6-8, and 10-14 above, and further in view of Murphy #5,950,761. Murphy teaches the utility of ladder components which can be made from

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plastics or fiberglass. Ladder components made of materials such as these, provide light weight, weather resistant, yet durable ladders. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the ladder of Dempsey in view of Hooten as advanced above, with components made of plastic or fiberglass as taught by Murphy, so as to provide light weight, weather resistant, yet durable ladders.

18. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dempsey in view of Hooten as applied to claims 1, 3, 4, 6-8, and 10-14 above, and further in view of Planck et al #4,029,174. Dempsey fails to disclose a threaded telescopic leg and a rubber foot pad. Planck et al teach the utility of a threaded telescopic leg assembly 16, 17, having a rubber foot pad thereon. An assembly such as this provides for precise incremental adjustment of the extension leg relative to the ladder rail 11 on a particular terrain, while the rubber foot provides excellent gripping features on any given terrain. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the ladder of Dempsey in view of Hooten as advanced above, with a threaded extension leg and rubber foot pad assembly, as taught by Planck et al, so as to provide for precise incremental adjustment of the extension leg relative to the ladder rail on a particular terrain, while the rubber foot provides excellent gripping features on any given terrain.



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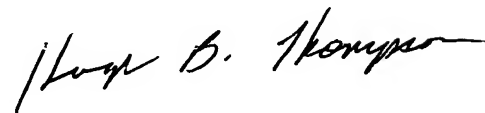
*Conclusion*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lunden, Jr. #5,293,957, Patterson #5,497,850, and Hutson et al #5,853,065 are cited to teach ladder and extension assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hugh B. Thompson whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola, can be reached on (703) 308-2686. The official fax phone number for this Group is (703) 305-3597, and the unofficial fax phone number (for drafts) is (703) 746-3641.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.



Hugh B. Thompson

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September 25, 2002